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SEP 25 2006

OFFICE OF PETITIONS

CARDICA, INC.  
900 SAGINAW DRIVE  
REDWOOD CITY, CA 94063

In re Application of :  
Yencho, et. al : DECISION ON PETITION  
Application No. 10/810,170 :  
Filed: March 26, 2004 :  
Docket No.: 152 :

This is a decision on the renewed petition to withdraw the holding of abandonment under 37 CFR 1.181, filed April 7, 2006.

The petition under 37 CFR 1.181 to withdraw the holding of abandonment is hereby **GRANTED**.

This application was held abandoned October 30, 2005 for failure to timely submit a proper reply to the non-final Office action mailed July 29, 2005. Notice of Abandonment was mailed February 8, 2006.

Petitioner asserts non-receipt of the Office communication mailed July 29, 2005.

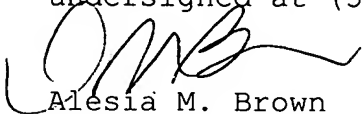
In the absence of any irregularity in the mailing of the Office communication, there is a strong presumption that the Office communication was properly mailed to practitioner at the address of record. This presumption may be overcome by a showing that the Office communication was not in fact received. The showing required to establish non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. See, MPEP 711.03(c). The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office communication may have been lost after receipt rather than a conclusion that the Office communication was lost in the mail.

In support of the petition, petitioners have provided a copy of the docket record where the Office communication would have been entered had it been received along with a statement from petitioners that a search of the docket record and file jacket indicated that the Office communication was not received.

In view of the evidence presented, the Notice of Abandonment is hereby VACATED and the holding of abandonment is WITHDRAWN.

**The application file is being forwarded to the technical support staff of Group Art Unit 3731 for mailing of a new Office communication. The time period for response will be set to run from the date a new Office communication is mailed.**

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3205.



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Office of Petitions